

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

**UNITED STATES OF AMERICA**

v.

**Criminal No. 3:22-cr-00087**

**ALEX KAI TICK CHIN**

**DEFENDANT'S MOTION IN LIMINE  
TO LIMIT THE NUMBER OF FILES CONTAINING CHILD  
PORNOGRAPHY WHICH ARE SHOWN TO THE JURY AT TRIAL**

Defendant, Alex Kai Tick Chin, by his counsel, files this Motion in Limine requesting entry of an appropriate Order which limits the Government to showing the jury no more than three image files containing suspected depictions of child pornography involving Minor Female 1. In support of this Motion, the defendant states as follows:

(1) Counts One and Two of the Second Superseding Indictment essentially charge the defendant with enticing Minor Female 1 to produce images of child pornography that were electronically transmitted to his smartphone. It is counsel's understanding that the only content of suspected child pornography found on the defendant's smartphone pertains to Minor Female 1 and not any other minor.

(2) Rule 403 of the Federal Rules of Evidence would permit this Court to exercise its discretion and limit the amount of unnecessary cumulative evidence of child pornography to be shown to the jury. The Court could further take notice that the subject matter involved with child pornography is not one which will be pleasing for the average juror to review. A limit of three images involving Minor Female 1

would allow the Government to show a sufficient number of alleged contraband files for purposes of satisfying the proof required for Counts One and Two. This will allow the Government to fairly present its case while protecting the defendant's interest against significant undue prejudice which would be caused by the unnecessary introduction of cumulative evidence of child pornography.

Counsel would further request that for each image of child pornography which the Government intends to show to the jury, or otherwise introduce separately into evidence, that prior to trial, the Government provide the defendant with the pathway location where each such image was found on the defendant's smartphone.

For the reasons set forth herein, the defendant requests that this Court grant this Motion in Limine and enter an appropriate Order limiting the Government to no more than three image files containing suspected depictions of child pornography to show to the jury during trial.

Respectfully submitted this 6th day of March, 2023.

**ALEX KAI TICK CHIN**

**By Counsel**

**WESLEY P. PAGE  
FEDERAL PUBLIC DEFENDER**

**s/David R. Bungard**

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